

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Crim. No.: 13-20116-01

Honorable Paul D. Borman

v.

Magistrate Judge Anthony P. Patti

DANIEL J. FLUCKES,

Defendant.

ORDER OF DETENTION PENDING SUPERVISED RELEASE HEARING

On June 3, 2022, the defendant was brought before the Undersigned judicial officer for a detention hearing, pending his supervised release violation (SRV) hearing before Judge Paul D. Borman on June 7, 2022. After placing its reasoning on the record, all of which is hereby incorporated by this reference as though fully restated herein, the Court finds: (1) pursuant to 18 U.S.C. 3142(d)(2), that the defendant was placed on supervised release on April 27, 2018 for a period of 5 years, after serving a little over 3 years incarceration (plus credit for time previously served) on a federal conviction for receipt of child pornography; (2) that he may pose a danger to any other person or the community; (3) there is evidence to demonstrate that multiple violations of supervised release have occurred, including being alone with a 7 year old child, exposing his genitals to that child, touching that child's backside in connection with sexual arousal, repeatedly masturbating in places where

he anticipated and in fact was seen by the child (reporting that he is aroused by being seen by the child in these circumstances), entering the room of the sleeping child and apparently masturbating near her bed, and watching adult pornography; (4) pursuant to 18 U.S.C. 3142(e)(2), that no condition or combination of bond conditions can reasonably assure the safety of the community; and, (5) pursuant to Rule 32.1(a)(6), the defendant has failed to establish by clear and convincing evidence that he is not likely to pose a danger to the safety of other persons in the community if released. In fact, the Court concludes that the defendant poses a significant danger to the community and to the particular child referenced above, with whom he has been living. He reported to his probation officer that he has been looking up information on the Internet about incest; and, even if removed from the presence of the particular child with whom he has been living, has further reported his belief that he is spiraling out of control now and *if left alone* would touch a child. Accordingly, the defendant is placed in the custody of the United States Marshal Service and hereby **DETAINED** until Judge Borman considers his supervised release charges.

IT IS SO ORDERED.

Dated: June 4, 2022
Detroit, Michigan



ANTHONY P. PATTI
United States Magistrate Judge